



# TOWN OF EAST WINDSOR

PLANNING & ZONING DEPARTMENT

11 RYE STREET, P.O. BOX 389

BROAD BROOK, CT. 06016

FAX: (860) 623-6030

TOWN PLANNER LAURIE WHITTEN, CZEO, AICP

ZONING ENFORCEMENT OFFICER, ROBIN NEWTON, CZEO

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## MEMORANDUM

**TO:** CRCOG

**FROM:** Laurie P. Whitten, CZEO, AICP  
Director of Planning and Development

**DATE:** February 8, 2012 AMENDED FEB 14, 2012 (adding Zoning Amendments)  
(SEE BOTTOM 2<sup>nd</sup> PAGE)

**SUBJECT:** **Proposed changes to Plan of Conservation and Development (POCD) AND ZONING REGULATIONS regarding Route 140 re-development**

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The Planning and Zoning Commission has come to the point of moving forward with new regulations and guidelines for the Route 140 corridor. This involves changes to our POCD and Zoning regulations.

Per CGS 8-23, we are forwarding the following information regarding proposed changes to our POCD for your review. Proposed changes to our zoning regulations will follow within a few weeks.

The PZC is proposing the following changes to the POCD, and is seeking the BOS's endorsement.

1. Adopt "**Suggested Amendments for Plan of Conservation and Development**" as recommended by consultant. **[EXHIBIT #1]** This redefines the Route 140 corridor as to
  - a) the types of businesses that would be most, possibly and least desirable; and
  - b) presents a guideline for "Principles and Standards for Business Development in the Route 140 Corridor" This section includes the results from the **Visual Preference Survey** **[EXHIBIT #1A]** conducted by the consultant, and the **Design Preferences** **[EXHIBIT #1B]** that resulted from the survey.
2. To revise the **Proposed East Windsor Business Corridor Zoning Map** **[EXHIBIT #2]** from the 2004 POCD, to include a Route 140 Corridor within the Northern Business Corridor. The route 140 Corridor will correspond with the sewer extension area to the eastern point of the existing Northern Business Corridor. The change is adding the red dashed line to depict the Rte 140 corridor within the Northern Business Corridor.

- 3 To revise the **Residential Growth Guide Plan** adopted into the POCD on June 16, 2006 to eliminate the Route 140 Corridor as an area for residential development. In other words, we will be demarcating the Route 140 Corridor as a “Non-residential area” which will disallow any residential development unless associated with mixed use development. **[EXHIBIT #3] is original map, [EXHIBIT# 3A] is amended**

Meanwhile, the PZC will be moving forward with adopting zoning regulations which reflect these goals and guidelines. It is anticipated that the Public Hearing for adoption of all of these changes (POCD and Zoning) will take place on **April 24, 2012**.

Again, you should expect to see the proposed zoning changes within a few weeks

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**FEBRUARY 15, 2012**

**Proposed changes to our Zoning Regulations include changes to**

1. **Chapter 500, 700 and 805, all in relation to the creation of a new Business 3 Zone, which corresponds with the proposed amendments to the POCD Northern Business District and proposed Route 140 Business corridor**
2. **Depicting a new B3 zone as shown on graphic of zoning map dated 2/14/12**

**We are anticipating holding a public hearing on the POCD and Zoning Regulations and map changes on April 24, 2012**



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TOWN PLANNER LAURIE WHITTEN, CZEO, AICP

ZONING ENFORCEMENT OFFICER, NANCY RUDEK, CZEO

### MEMORANDUM

**TO:** East Windsor Planning and Zoning Commission  
**FROM:** Laurie Whitten, CZEO, AICP  
**DATE:** FEB.14, 2012, Amended per PZC comments Feb 15, 2012  
**SUBJECT:** PROPOSED CHANGES TO ZONING REGULATIONS RELATIVE TO THE  
ADDITION OF A B-3 ZONE

**Proposed changes to the zoning regulations to create the zone B-3 for the  
Route 140 Business Corridor  
2/14/12**

## CHAPTER V: BUSINESS & INDUSTRIAL DISTRICTS

### 500 PURPOSE – BUSINESS & INDUSTRIAL DISTRICTS

#### 500.1 BUSINESS 1 ZONE (B-1)

This zone is intended to establish areas of light commercial activities including neighborhood retail, services and professional offices. The character of the zone is intended to be small scale commercial activities that service the surrounding areas and integrate well with the neighboring residential development.

#### 500.2 BUSINESS 2 ZONE (B-2)

This zone is intended to provide areas of commercial activity including community retail, business, service, professional offices, and other automotive dependent uses. The character of this zone is intended to be small to large scale commercial developments primarily serviced by automobiles.

#### 500.3 TRANSITION ZONE 5 (TZ5)

The purpose of this zone is to allow existing residential areas to transition in an orderly means to a commercial area. The development of this zone should provide minimal impacts on existing residential development within the area.

#### 500.4 MANUFACTURING ZONE 1 (M-1)

This zone is intended to provide areas for manufacturing, warehousing, wholesale, and other forms of commercial and industrial activities. The character of the zone is intended to be commercial in nature while still maintaining the small town community character.

#### 500.5 HIGHWAY INTERCHANGE FLOATING ZONE (HIFZ)

The intent of the HIFZ is to establish a legal framework for land use alternatives that will provide the applicant with a wide variety of development opportunities; to encourage the economic development and fiscal improvement of the community by providing flexible development opportunities and responsiveness to market

trends for land having high visibility and access to the major intersections of Route 5 with I-91 at Exit 44, and with Route 140; to empower the Town with a measure of control over the type and quality of development while encouraging mixed Industrial, Commercial, and Business Uses; and to insure that such development is accomplished in an orderly manner with minimal negative impact to neighboring areas and critical natural resources. The HIFZ designation may waive and modify the underlying existing regulations to encourage a variety of uses, lot dimensions and coverages, which best promote development between these two important intersections. Applications for designation as an HIFZ will be accepted for that area abutting: (1) Route 5 (a.k.a. Prospect Hill Rd.) commencing 600 feet North of its intersection with Route 140 (a.k.a. Bridge St. or North Rd.) and terminating at the Exit 44 Interchange of I-91; (2) Route 140 commencing 600 feet east of its intersection with Route 5 and terminating 600 feet west of the Exit 45 interchange of I-91, specifically including all Business and/or Industrial Zoned property located therein.

### 500.6 BUSINESS3 ZONE- ROUTE 140 BUSINESS CORRIDOR

This zone is intended to provide for business develop in order to increase the tax base, provide services and amenities to residents of the town and larger region, and provide jobs. The character of the zone is intended to provide a variety of uses and building types while managing environmental, traffic, and aesthetic / community character impacts. Planned developments with a village character and multiple uses on a parcel are desirable in this district

## 501 BULK & AREA REQUIREMENTS – BUSINESS & INDUSTRIAL DISTRICTS

In business and industrial zones no building hereafter erected, reconstructed, remodeled or altered shall exceed the height, be located on a lot of less width and area, have smaller yards, or ground floor area than the minimum requirements listed below.

| ZONE                               | B-1    | B-2    | M-1    | HIFZ | B3(3)               | TZ5    |
|------------------------------------|--------|--------|--------|------|---------------------|--------|
| <b>Minimum Lot Requirements</b>    |        |        |        |      |                     |        |
| Frontage                           | 100'   | 80'    | 200'   | (2)  | 200'                | 100'   |
| Width                              | 100'   | 80'    | 200'   | (2)  | 200'                | 100'   |
| Depth                              | 110'   | 110'   | 120'   | (2)  | 110'                | 150'   |
| Area - Sq. Ft.                     | 15,000 | 12,000 | 60,000 | (2)  | 40,000              | 20,000 |
| Acreage                            | 0.344  | 0.275  | 1.337  | (2)  | 0.92                | 0.459  |
| <b>Minimum Yard Requirements</b>   |        |        |        |      |                     |        |
| Front Yard Setback                 | 50'    | 50'    | 60'    | (2)  | 75'                 | 50'    |
| Side Yard Setback                  | 15'    | 15'    | 20'    | (2)  | 15'                 | 20'    |
| Rear Yard Setback                  | 30'    | 30'    | 30'    | (2)  | 30'                 | 20'    |
| <b>Maximum Lot Coverage</b>        |        |        |        |      |                     |        |
| Building(s)                        | 20%    | 30%    | 35%    | (2)  | 35%                 | 25%    |
| Impervious Surfaces                | 65%    | 65%    | 75%    | (2)  | 65%                 | 60%    |
| <b>Maximum Height Requirements</b> |        |        |        |      |                     |        |
| Stories                            | 4(1)   | 2.5    | 4 (1)  | (2)  |                     | 2      |
| Feet                               | 50'    | 30'    | 60'    | (2)  |                     | 35'    |
| **Within 200' from Rte 140 (4)     |        |        |        |      | 2 stories/25' ht.   |        |
| **201-400' from Rte 140 (4)        |        |        |        |      | 3 stories/37.5' ht. |        |
| **>400' from Rte 140 (4)           |        |        |        |      | 4 stories/50' ht.   |        |

### Notes to Business and Industrial Bulk and Area Requirements

In business and industrial zones, the side yard requirements for non-conforming lots with less than the required frontage is 10 percent of the frontage or 10 feet, whichever is greater.



Where residential properties exist in business and industrial zones, the bulk and area requirements for the R-2 Zone shall apply.

(1) In addition to the above requirements, where a building exceeds 35' in height, such building shall be set back from front, side and rear lot lines 2 additional feet for each additional foot of height.

(2) See HIFZ regulations, underlying zoning designation and site plan for existing sites.

This table provides the general requirements for each zone; additional requirements may exist in other portions of the regulations.

(3) By special use permit, minimum lot requirements, minimum yard requirements, maximum lot coverage and maximum height requirements may be waived by a ¾ vote if:

- the parcel's access will be from a driveway on an adjacent parcel, and the applicant has submitted an easement that grants the applicant the right to use the driveway for a timeframe acceptable to the Commission and the Commission's attorney, or,
- the applicant has demonstrated to the satisfaction of the Commission that such a waiver is necessary due to unique site conditions or in order to better achieve the goals of this zone.

(4) As measured from the Route 140 right of way line closest to the property.

## 502 PERMITTED USES IN BUSINESS & INDUSTRIAL DISTRICTS

The following table identifies those uses permitted by zoning district. All business and industrial uses, developments, and new construction, except for minor changes in use, require site plan approval by the Commission. Any use not expressly permitted by the Commission shall be prohibited unless the Commission determines that a use fits into the established use groups. In addition, the Commission has the right to determine if any use meets the intent of the regulations.

|   | B-1 | B-2 | M-1 | HIFZ | TZ5 | B3     |
|---|-----|-----|-----|------|-----|--------|
| <b>Retail &amp; Service Uses</b>                        |     |     |     |      |     |        |
| Retail Establishments up to 30,000 square feet          | P   | P   |     | P    | SUP | SUP    |
| Service Establishments, Personal/Professional           | P   | P   |     | P    | SUP | SUP    |
| Retail/Service Establishments – Over 30,000 square feet |     | SUP |     | P    |     |        |
| Day Care Centers; Nursery Schools                       | SUP | SUP | SUP |      | SUP | SUP    |
| Dry Cleaning Establishments                             |     | P   | P   |      |     | SUP    |
| Catering Establishments                                 |     | P   | P   | P    |     | SUP    |
| Restaurants (4)   | P   | P   |     | P    | SUP | SUP(8) |
| Hotel   | SUP | SUP | SUP | P    | SUP |        |
| Funeral Home, Mortuaries, Morgues                       | P   | P   |     |      | SUP |        |
| Parking Lots  |     | P   |     |      |     |        |
| Financial Institutions & Banks                          | P   | P   | P   | P    | SUP | SUP    |
| Fitness Center, Max 10,000 sq.ft                        |     |     |     |      |     | SUP    |

|  | B-1 | B-2 | M-1 | HIFZ | TZ5 |     |
|--|-----|-----|-----|------|-----|-----|
| <b>General Office Uses</b>               |     |     |     |      |     |     |
| Office – General & Professional          | P   | P   | P   | P    | SUP | SUP |
| Business & Professional Office Buildings | P   | P   | P   | P    | SUP | SUP |
| Contractor's Office and Storage Yard     |     | P   | P   |      |     |     |
| Medical & Dental Laboratories            | P   |     | P   |      | SUP | SUP |

|  | B-1 | B-2 | M-1 | HIFZ | TZ5 |     |
|--|-----|-----|-----|------|-----|-----|
| <b>General Industrial Uses</b>                       |     |     |     |      |     |     |
| Wholesale Establishments                             |     |     | P   |      |     |     |
| Warehousing & Distribution – Non hazardous materials |     |     | P   | P    |     |     |
| Warehousing & Distribution – hazardous materials     |     |     | SUP |      |     |     |
| Research & Experimental Laboratories                 |     |     | P   | P    |     | SUP |

Manufacturing – Light  
Manufacturing – Heavy

|  |  |     |   |  |     |
|--|--|-----|---|--|-----|
|  |  | P   | P |  | SUP |
|  |  | SUP | P |  |     |

B-1 B-2 M-1 HIFZ TZ5

**Automotive Uses**

|  |  |     |     |  |     |        |
|--|--|-----|-----|--|-----|--------|
| Automotive - Auto Body Repair Shop                       |  | SUP | SUP |  |     |        |
| Automotive - Repair Establishment                        |  | P   | P   |  | SUP |        |
| Automotive – New & Used Car Dealer                       |  | P   | P   |  | SUP |        |
| Inventory Holding Areas (7) (Amended – effective 1/8/09) |  | P   | P   |  | SUP |        |
| Automotive - Car Wash                                    |  | P   | P   |  |     |        |
| Automotive – Filling Station                             |  | SUP |     |  |     | SUP(9) |
| Automotive – Retail                                      |  | P   |     |  | SUP |        |
| Truck, Equipment, & Recreational Vehicle Sales           |  | P   | P   |  |     |        |

B-1 B-2 M-1 HIFZ TZ5

**Other Uses**

|  |     |     |      |     |     |         |
|--|-----|-----|------|-----|-----|---------|
| Commercial Recreation                                | SUP | SUP | SUP  | SUP | SUP | SUP(10) |
| *Commercial and Trade Schools, and classrooms (H)    | P   | P   | P(1) |     | SUP | SUP     |
| Alcohol Sales (2)                                    | SUP | SUP | SUP  | SUP |     | SUP     |
| Adult Oriented Establishments                        |     |     | SUP  |     |     |         |
| Drive Thru   | SUP | SUP |      | SUP |     |         |
| Dog /Pet Daycare/Training/DOG Hotel/Kennel/Boarding  | SUP | SUP | SUP  | SUP | SUP | SUP     |
| Dog/Pet Grooming/Pet shop/Retail, Veterinarian (3)   | P   | P   | P(5) |     | SUP | SUP     |
| Residential (6)                                      | SUP | SUP |      |     |     | SUP     |
| Farms (See Chapter 305) (Amended Effective 8/1/2011) | P   | P   | P    | P   | P   |         |
| Museum   |     |     |      |     |     | SUP     |
| Live Theatre   |     |     |      |     |     | SUP     |
| Art Gallery or Artist Studio                         |     |     |      |     |     | SUP     |
| Multiple principal uses on one parcel                |     |     |      |     |     | SUP     |
| Drive Thru for non-residential uses                  |     |     |      |     |     | SUP     |

P = Permitted Use and SUP = Special Use Permit

- (1) For Profit educational facilities permitted in M-1 zone
- (2) Liquor as an associated use with hotel, recreational use and catering permitted with special use permit, and may be limited to beer & wine.
- (3) Animal retail or service establishment tenant space must be separated by at least one other tenant space from any existing restaurant or food service establishment.
- (4) Restaurant or food service establishment must be separated by at least one other tenant space from any existing animal retail or service establishment.
- (5) Pet shop not permitted in M-1 zone
- (6) Residential units may be permitted above the first story, and provided the units are not exposed as part of the main façade, below the first story in commercial buildings. Those units below the first story must be limited to studio apartments not to exceed 900 square feet in area. All residential units in commercial buildings require a Special Use Permit and must meet the following conditions at minimum:

- a. Public sewers and water shall be provided
- b. Minimum horizontal floor areas for each residential unit shall be:
  - 1 Bedroom = 650 square feet
  - 2 Bedroom = 800 square feet
  - 3 bedroom = 1000 square feet
  - Efficiency/studio = 550 square feet
- c. Buildings with residential units above the second floor shall be equipped with elevators of sufficient size to provide for emergency medical equipment serving residential areas only.
- d. All requirements relative to fire safety boxes shall be met.

- e. Parking shall be provided in accordance with section 601 of these regulations.
- f. Landscaped areas with a ratio of 100 square feet per residential unit shall be provided. Landscaped areas required elsewhere in these regulations shall not be credited for this requirement.
- g. A waiver for either section e or f may be granted for existing structures by a three fourths vote of the Commission.

The Commission may authorize by Special Use Permit the construction of residential units in structures separate from the commercial spaces provided that:

- a. The total square footage of commercial space provided is equal to at least twenty five percent of the total square footage provided.
- b. All of the requirements of Section 803 of these regulations regarding multi-family residential development shall be satisfied unless specifically waived for a particular application by a ¾ vote of the Commission.
- c. Allowed above the first story of commercial buildings.

(7) When Inventory Holding areas are allowed as a permitted use, the bulk and area requirements of the existing zone apply. When Inventory Holding Areas require a special use permit, the bulk and area requirements of Section 815 apply. (Amended – effective 1/8/09)

(8) sit down restaurants only

(9) Automotive filling station, with no automobile sales, service , or carwash

(10) Indoor recreation only

## 503 PERMITTED ACCESSORY USES

The following specific uses:

| ACCESSORY USES  | B-1 | B-2 | M-1 | HIFZ | TZ5 | B3  |
|---|-----|-----|-----|------|-----|-----|
| Signs   | P   | P   | P   | P    | P   | P   |
| Parking   | P   | P   | P   | P    | P   | P   |
| Outdoor Merchandise Display   | P   | P   | P   |      |     |     |
| Outdoor Storage   |     | P   | P   |      |     |     |
| Retail Sales  | P   | P   | P   |      |     |     |
| Heliport  |     |     | SUP |      |     |     |
| Food services intended primarily for employees of, or visitors to a principal use |     |     |     |      |     | SUP |
| Sale of gifts, crafts and souvenirs, when accessory to a permitted principal use  |     |     |     |      |     | SUP |

### 503.1 OUTDOOR STORAGE

Except for the B-1 Business zone, outdoor storage may be permitted in business and industrial zones under the following conditions:

#### a. Materials

1. All outdoor bulk storage items, including recyclable materials, shall be in approved, enclosed containers.
2. No outside storage shall be placed outdoors that will attract animals or insects.
3. No perishable merchandise shall be stored outdoors.

#### b. Location Requirements

1. Any outdoor storage and all structures required for stored materials shall have been shown and designated on an approved Site Plan as outdoor storage.
2. No outdoor storage shall be allowed in the required front, side, or rear yards, or buffers.



3. No outdoor storage shall be allowed such as will reduce the amount of parking in parking areas below the minimum required for the site.
4. All outdoor storage shall be buffered from Residential Zones and Uses with a 20 foot wide landscaped buffer.
5. Outdoor storage shall be screened so as not to be visible from any street, residential, or municipal property.
6. Maximum height of stored material shall be 6 feet.

### **c. Industrial Zone Requirements**

In the industrial zones, outside storage of materials shall be subject to the following additional provisions:

1. Outside storage shall be located to the rear of the principal building,
2. A landscape buffer shall be provided surrounding all storage areas,
3. Box trailers are permitted provided such storage is screened, and
4. Outside storage may include storage of vehicles and storage of materials. Vehicles shall not be stacked and storage of materials shall not exceed a maximum height of 25 feet.

## **503.2 OUTDOOR MERCHANDISE DISPLAY**

### **a. Merchandise**

1. No perishable items shall be displayed outside, except for farm stands. *(Amended Effective 8/1/2011)*
2. No merchandise shall be displayed outdoors that will attract animals or insects.
3. No leaching or goods with broken packaging shall be displayed.

### **b. Location Requirements**

1. Any area used for outdoor merchandise display shall have been designated on an approved Site Plan.
2. No merchandise display shall be allowed if it will reduce the amount of parking in parking areas below the minimum required for the site.
3. Displayed merchandise shall not be stacked higher than 5 feet.
4. All lighting and signs shall meet regulations specified in Chapter VI.
5. No outdoor merchandise display shall be allowed within the front yard setback with the following exceptions:
  - as part of a permitted Roadside Stand, or *(Amended Effective 8/1/2011)*
  - at least 25 feet from the established street line providing the total area in square footage is no more than 3 times the lineal feet of principal road frontage.

### **c. Christmas Tree Sales**

The sale of Christmas trees may be permitted, at the discretion of the Zoning Enforcement Official, as an exception to the above requirements provided that:

1. an application for a zoning permit is submitted,
2. adequate parking and traffic control is provided, and
3. all unsold trees shall be removed by December 31st of the year in which they were for sale.

### **d. Temporary Out-door Sales (Fireworks, Novelty Items)**

Existing retail and service facilities may request a permit for temporary out-door sales, no more than two times per year. Said sales cannot exceed a total of 21 days in a 12-month period. The Zoning Enforcement Official may issue a permit for an application that meets the following requirements:

1. an application for a zoning permit is submitted,
2. adequate parking and traffic control is provided, and



3. the layout of the sale does not create any danger to the public health, safety and general welfare of the community.
4. Approval from Police, Fire and Building Official is obtained.

**e. Drive Thru**

Drive –up/through facilities may be permitted where authorized by Special Use Permit provided that the applicant can adequately demonstrate to the Commission’s satisfaction that there will be no adverse effect on traffic conditions on any public street or neighboring property.

- f. Farm uses are exempt from this section, provided use complies with Chapter 305. *(Amended Effective 8/1/2011)*

## **505 CONSOLIDATED PARCELS**

In order to promote integrated development in non-residential zones, minimal road cuts and campus development, any number of separate contiguous parcels may be consolidated for the purpose of development, and the consolidated parcels shall be deemed to be one lot when computing building coverage and yard requirements, provided:

### **505.1 REQUIREMENTS**

- a. The consolidated parcel shall be developed with an integrated plan of buildings, utilities, storm drainage, open spaces and planting, lighting, parking and unloading and signs as provided in Chapter VI.
- b. The owner of each lot shall give to the owner of each lot in the consolidated parcel, by deed, easement, or agreement filed in the Office of the Town Clerk, the right of ingress, egress, passage, parking and loading in the consolidated parcel.

### **505.2 COMMON ACCESS**

The Commission may require use of common access driveways to one or more parcels, whether or not under separate ownership, in order to assure safe traffic movement onto the street and to avoid traffic congestion.

## **506 BUSINESS 3 ZONE: ADDITIONAL ZONE SPECIFIC STANDARDS**

### **506.1 PERMITTED USES**

Uses specified in Section 502 are deemed appropriate and permitted in the B-3 Zone, but not at every location within the zone or without restrictions or conditions being imposed by reason of special problems of use, and the Commission shall have the discretion to decide whether the mixing of uses is appropriate and should be required or maintained.

### **506.2 SITE DEVELOPMENT STANDARDS**

In addition to the Site Development Standards contained in Chapter VI, the following standards shall apply in the B-3 Zone. In cases of conflicting standards, the standards in this section shall supersede.

- a. Parking areas shall not be located between the front of the building and the front lot line unless the Commission determines that due to topographic or other site conditions, that it is not feasible, **and alternative plans may be considered.**
- b. No drainage from the site shall cause flooding, erosion or other damage to adjacent properties, roadways, and/or storm drainage systems. The Commission may require the applicant to obtain a drainage easement prior to discharge of water to any adjacent property.

### 506.3 PARKING REQUIREMENTS

The following parking requirements replace those specified in Section 601.2 in the B-3 zone. Other provisions of that section apply, including reduction of parking facilities.

|                         |   |
|-------------------------|---|
| Bank                    | 3 spaces per 1,000 square feet of gross floor area, or 4 spaces, whichever is greater |
| Retail stores           | 3 spaces per 1,000 square feet of gross floor area, with a minimum of 8 spaces        |
| Office (non-medical)    | 3 spaces per 1,000 square feet of gross floor area, or 4 spaces, whichever is greater |
| Medical Office building | 5 spaces per 1,000 square feet of gross floor area, or 4 spaces, whichever is greater |
| Personal services       | 3 spaces per 1,000 square feet of gross floor area, or 4 spaces, whichever is greater |
| Other uses              | As determined by the Commission   |

### 506.4 ACCESS MANAGEMENT

- a. No parcel or use shall have more than one curb cut onto Route 140 / North Road, unless required by the Commission for emergency access or other safety purpose.
- b. As part of application approval, the Commission may require an applicant or owner to:
  - i. establish a mutual driveway, service road or other easements to provide for shared access (whether existing or future) for two or more abutting properties in a location acceptable to the Commission;
  - ii. close an existing, or eliminate a proposed curb cut and utilize a mutual driveway or other easement that exists on abutting property in lieu of having a separate curb cut onto a road;
  - iii. construct all or a portion of such mutual driveway or service road in order to provide for shared access (whether existing or future);
  - iv. file such easements on the land records in favor of abutting property owners and/or the Town of East Windsor as shall be acceptable to the Commission and Commission's Attorney; and / or
  - v. take other such actions reasonably required to accomplish access management.
- c. Site driveways onto Route 140 / North Road shall be located in accordance with the following hierarchy:
  - i. Aligned with a road or driveway across the street
  - ii. Where alignment is not possible:
    - at least 200 feet from an existing intersection or driveway on either side of the street, or
    - where designated by the Commission.

### 506.5 SPECIAL PERMIT

In addition to the Special Permit findings in Section 701, the Commission shall determine that:

- a. The use and site layout is consistent with the "Principles and Standards for Business Development in the Route 140 Corridor" outlined in the East Windsor Plan of Conservation and Development.

### 506.7 NON-CONFORMING USES, STRUCTURES, AND LOTS IN THE B-3 ZONE

- a. Non-Conforming Uses:
  - i. No non-conforming use may be changed except to a conforming use or, with the approval of a Special Use Permit by the Commission, to another non-conforming use of a less objectionable character.



- ii. No non-conforming use, once changed to a more conforming use, may be changed to a less conforming use.
  - iii. No nonconforming use, and no portion of a building containing a non-conforming use, shall be extended or expanded unless such extension or expansion receives approval of a Special Use Permit by the Commission.
- b. Non-Conforming Structures:
  - i. A non-conforming structure may only be enlarged horizontally, vertically or both provided such enlargement:
    - occurs within the conforming area and complies with applicable parts of these Regulations for the specific use and zone , or
    - receives approval of a Special Use Permit by the Commission.
- c. Non-Conforming Parcels:
  - i. For parcels created prior to [effective date of this provision] that do not comply with the minimum lot requirements, the Commission may waive minimum lot requirements, minimum yard requirements and maximum lot coverage by Special Use Permit.

#### **506.8 PRE-APPLICATIONS MEETING**

Per Section 900.5 of these regulations, applicants are encouraged, but not required, to meet informally with the Commission to discuss a proposed application.

## **CHAPTER VII. SPECIAL PERMITS**

### **700 GENERAL CONSIDERATIONS**

All Special Permit uses are declared to possess such special characteristics that each shall be considered as an individual case. In authorizing any such use, the Commission:

- shall take into consideration the public health, safety and general welfare,
- shall determine that the standards outlined in Section 701 are met, and
- may impose reasonable conditions and safeguards to any approval granted.

### **701 SPECIAL PERMIT FINDINGS**

#### **701.1 ACCORDANCE WITH THE PLAN OF CONSERVATION & DEVELOPMENT**

That the proposed use is in general accordance with relevant provisions of the Plan of Conservation & Development.

#### **701.2 HARMONY WITH THE AREA**

- a. That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the area in which it is proposed and will not be detrimental to the orderly development of adjacent properties.
- b. That the kind, size, location and height of the structure and the nature and extent of the landscaping on the lot will not hinder or discourage the appropriate use of adjoining property or diminish the value thereof.
- c. That the proposed use will not alter the essential characteristics of the area or adversely affect property value in the neighborhood.

### **701.3 ADEQUATE ACCESS**

- a. That streets providing access to the proposed use are adequate in width, grade, alignment and visibility, and have adequate capacity for the additional traffic generated by the proposed use.
- b. That the parking and loading facilities are adequate and properly located, and the entrance and exit driveways are laid out to achieve maximum safety.
- c. That the proposed use shall have easy accessibility for fire apparatus and police protection.

### **701.4 ADEQUATE INFRASTRUCTURE**

That the water supply, the sewage disposal and the storm water drainage systems shall conform with accepted engineering criteria and complies with all standards of the appropriate regulatory authority.

### **701.5 NATURAL RESOURCE CONSERVATION**

That the proposed plans have provided for the conservation of natural features, drainage basins and the protection of the environment of the area.

### **701.6 COMPATIBLE DESIGN**

That the design elements of the proposed development are:

- a. attractive,
- b. suitable in relation to the site characteristics and style of other buildings in the immediate area, and
- c. appropriate with the overall character of the community as outlined in the Plan of Conservation & Development.

### **701.7 PUBLIC HEALTH, SAFETY, & WELFARE**

That the proposed use will not have a detrimental effect upon the public health, safety, welfare, convenience and property values.

### **701.8 RESIDENTIAL IMPACT**

That, in the case of any use located in or directly adjacent to a Residential Zone, the proposed use or the proposed activities will not hinder or discourage the appropriate use or development of adjacent land and buildings in the Residential Zone or impair the value thereof after considering:

- a. the location and size of the proposed use,
- b. the nature and intensity of operations involved in or conducted in connection with the proposed use, or
- c. the site layout and the relation to access streets of the proposed use.

### **[ADD SECTION 701.9]**

### **701.9 TRAFFIC IMPACT STUDY**

#### **701.9.1 PURPOSE**



The primary objective of a traffic study is to provide a basis for assessing transportation impacts of a new development or expansion of an existing development. It should identify the need for any improvements to the roadway system to provide satisfactory level of service and to address safety issues.

#### 701.9.2 REQUIREMENTS

A: A traffic impact study will be required for any proposed development or re-development that meets one or more of the following criteria:

1. Development generating more than 100 trips during any one hour of a typical morning or afternoon weekday, or typical weekend midday peak hour. These trips shall be calculated using the latest edition of trip generation as published by the Institute of Transportation Engineers.
2. Developments providing 50 new parking spaces
3. Where the internal parking layout and/or internal circulating system could affect traffic operations on a public street; or,
4. At the Commission's request

B: The traffic impact study shall include at least the following information:

1. Existing conditions (i.e. current volumes) at site drives and major intersecting town roads in the vicinity of the site; Directional distribution of site traffic or the roadway network.
2. Existing and proposed sightlines based on facts and reasonable generation factors for the site and affected road networks and intersections
3. Pre and Post traffic volumes at site and major intersecting town roads in the vicinity of the site.
4. Capacity and Level of Service (LOS) calculations at the site drives and other locations studied for existing, no build and build conditions (ADT, Peak A.M. and Peak P.M.) . The results are to be provided in a table for each location, study period listing the LOS, delay, and volume to capacity (VC) ratio for each individual movement and for the overall intersection
5. Latest available three-year accident experience for all existing site drives.

The commission may require a traffic report for other projects if conditions warrant, or waive any portion of this section 701.9 by a  $\frac{3}{4}$  vote.

## 805 ALCOHOLIC BEVERAGES

The sale or manufacture of alcoholic beverages, at wholesale or retail, for consumption either upon or off the premises, shall be permitted only by Special Permit subject to the following regulations:

- a. No alcohol related use shall be permitted within 500 feet of any public or private school (defined as: the instruction of children under 18 years of age and giving instruction at least 3 days a week for 8 or more months a year), daycare center, public place of worship, charitable institution, hospital, convalescent home, cemetery, library, public playground, or any municipal building.
- b. Daycare centers are exempt from the above requirement in relation to full service restaurants, provided they are not located within the same structure.
- c. The required minimum distance shall be determined by two nearest points of both properties as measured on the Town Assessor's Maps.
- d. Restaurant permits for the sale of beer, wine, or spirituous liquors, to be consumed on the premises, shall be permitted only when such sales are incidental to the operation of a restaurant, hotel, motel, bowling alley restaurant, or private clubs, shall be permitted only in B-1 & B-2 & B-3 zones. Liquor sales may be permitted by special use permit in the M-1 zone when associated with an approved hotel, recreational or catering facility.
- e. Package store and druggist permits shall be permitted in B-1 & B-2 & B-3 zones.
- f. Cafe permits shall be permitted only in B-2 & B-3 zones.
- g. Wholesalers shall be permitted only in B-2 and M-1 zones.

Temporary liquor permits for non-profit or non-commercial organizations may be granted by the PZC Commission as a zoning permit, providing the sales are limited to no more than 4 calendar days per year for any organization and that all other applicable zoning, building, fire, State and other codes are satisfied.

 = Proposed Area to be Rezoned to B-3

**Enfield**

**Proposed Rezoned to B-3**

The map shows the following roads and features:

- Roads:** North Rd, Wells Rd, Shoham Rd, Broadview Ln, Borruip Rd, Winkler Rd, Mullen Rd, Prospect Hill Ter, Cricket Rd, Prospect Hill Dr, Button Ln, Rolocut Rd.
- Water Features:** Bow River, a bridge, and several ponds.
- Zoning Districts:** A-1, B-1, B-2, M-1, R-3.
- Proposed Rezoning:** A large area is outlined in purple, indicating the proposed rezoning to B-3.
- Other Features:** A circular marker with the number 140 is located near the intersection of North Rd and Winkler Rd.

